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C O N F I D E N T I A L KINGSTON 001131

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STATE FOR G/TIP (MTAYLOR, KBRESNAHAN)
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TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [JM](#) [XL](#)
SUBJECT: JAMAICA: TRAFFICKING CASE PROMPTS INTERNATIONAL
COOPERATION/TEST OF NEW ANTI-TIP LAW

REF: KINGSTON 242

Classified By: DCM James T Heg for reasons 1.5 (b) and (d)

1. (C) The Government of Jamaica (GOJ) is pursuing a particularly egregious case of labor exploitation under the recently passed Trafficking in Persons (Prevention, Suppression and Punishment) Act, 2007 (reftel). GOJ officials have approached the International Organization of Migration (IOM), the UK High Commission, and the U.S. Embassy for assistance in this case. Poloff recently discussed the case with Peter Bryant (IOM) and Carol Palmer, Permanent Secretary for the Ministry of Justice (MOJ) independently.

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Both report this is not only a horrific case, but is a textbook example of the difficulties countries may encounter in their attempts to pursue trafficking charges when the victim is a foreign national. But despite cultural and linguistic barriers between the victim and the investigators, the GOJ appears determined to prosecute the traffickers under the new law. (NOTE: This is an ongoing investigation. All information regarding the victim and the GOJ's efforts to bring the traffickers to justice should be protected accordingly. END NOTE).

The Victim

2. (C) The alleged victim is a Burmese national who the GOJ believes was brought into Jamaica in 2000 to work as a domestic. She speaks very limited English (e.g., "yes," "thank you," "hello," etc.). The victim reported she was responsible for cooking and cleaning for a doctor, the doctor's husband, and their son. She was not allowed to go outside of the home without the doctor accompanying her. The victim stated that between 2000 and 2006 she was not paid any money; however, she said the doctor told her that she would put money away for her starting in 2006. The victim claims the doctor has opened a savings account for her, but that the account is in the doctor's name. The victim has no idea how much money is in the account. The victim reported that she had her own room, that the doctor bought clothes for her, and that she took care of two cats. The victim ate at set times of the day. She described a typical day as starting after morning prayers. She then makes the beds in the house. She then moves to work in the garden. She cooks lunch and then returns to the garden until dark. At 5:00 pm, she prepares

dinner (which, according to the victim, takes two hours). In between, she is responsible for cleaning the entire house (three stories). She has also been tasked with cooking food for a local monastery. She reports she has no days off. Finally, she reported that the doctor gave her parents USD 150.00 for her.

¶3. (C) Palmer and Bryant both independently used the term "brainwashed" in describing the victim. Bryant reported that talking with her was like "talking with a child" and that it was clear she had been "psychologically traumatized." Both noted that the victim does not recognize that she is a victim (although both also stated that there must be some level of understanding as the victim herself alerted police to her situation). She is reportedly more concerned about who will take care of her cats than the 7 years she lived as a slave. The MOJ has moved her to a "safe house" that is run privately (for reasons of security, the location of the safe house and the individuals helping the victim have not been shared outside of a few key MOJ officials and trusted police officers). Bryant reported that the 14-year-old daughter of the safe house operator has formed a bond with the victim. According to Bryant, despite the language barrier, the victim's face "lights up" when the young girl enters. He also stated that the young girl has spent a considerable amount of time attempting to communicate with the victim through use of hand gestures and bits and pieces of English.

¶4. (C) When the victim first alerted GOJ officials to her situation, the MOJ immediately contracted with a member of the Burmese community in Jamaica. The community is small and purposefully chooses to remain insular from the broader Jamaican community. After securing a translator, the translator promptly withdrew after only one interview. According to Bryant, the Burmese community "got to him." Bryant believes that because the doctor and her family are prominent members, they have threatened or intimidated the
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rest of the community into not assisting with the MOJ investigation. The GOJ decided not to pursue identifying anyone else from the community to assist. Instead, the IOM has made arrangements with a translator based in London for phone and video-conferencing interviews with the victim. The interviews are ongoing and both Palmer and Bryant agree that it will take multiple interviews over a considerable length of time to build trust between the MOJ and the victim. For his part, Bryant is confident that the GOJ will be able to convict the doctor (and her husband and son) if the victim becomes willing to sign a sworn statement.

The Traffickers

¶5. (C) The doctor and her family are prominent within the Burmese community. They also are Jamaican citizens and are believed to travel under both Jamaican and Burmese passports and have U.S. visas. They live in a three-story mansion in the Beverly Hills subsection of Kingston. As the name implies, this subsection is one of the wealthiest parts of Jamaica indicating that the family could easily afford paid labor. According to Bryant, the doctor wrote her mother in Burma asking for her to help arrange sending a girl to work for them. The doctor's mother contacted the victim's mother and the victim was sent to Jamaica. The doctor, in addition to not allowing the victim to leave the home unaccompanied, has told the victim that she is in violation of her Jamaican visa as she does not have the appropriate work permit. She also had convinced the victim that if the police were to discover her, she would be arrested, convicted of a crime, and sent to prison. She has told the victim that she and her family have taken her in "as a relative" and therefore, she is a member of the doctor's family.

The Investigation

¶6. (C) While the GOJ has undertaken numerous raids against

massage parlors and other dubious businesses that advertise for "pretty young women" since the passing of the Trafficking in Persons (Prevention, Suppression and Punishment) Act, this case represents the first real test of the Act. Both Palmer and Bryant have commented that they couldn't have tested the Act with a more complicated case had they tried. The victim is socially, economically, culturally, and linguistically segregated from Jamaica. She expresses strong desires to return to the doctor - to an environment where she could communicate, and, perhaps more importantly, had a degree of certainty in her life. She has reported she has sisters and parents in Burma, but if the reports are true, it was her parents that sold her to the doctor. The IOM is, understandably, reluctant to return her to Burma until the entire situation with her family can be sorted out and they are absolutely confident that either her parents didn't sell her, or that she won't be resold. That leaves the victim isolated in Jamaica. The GOJ seems quite aware of the precarious position of the victim and Ms. Palmer speaks frequently of her "social" needs and how the GOJ can best provide them. Currently, she is unwilling to swear out a statement. Thus, the GOJ and IOM are working together to undertake as many contacts and interviews as necessary to build trust with her. To that end, the GOJ and IOM have utilized facilities at the UK High Commission to work with a translator based in London. The U.S. Embassy has agreed to work with the same translator in London to set-up a video conference link as the victim has asked specifically to see the face of the woman she is speaking with.

Comment:

17. (C) In a private conversation, Ms. Palmer confirmed that the GOJ was proceeding with a plan to achieve Tier 1 status by next year. This plan involves continuing a massive crackdown on questionable businesses, opening new investigations, and bringing as many cases to the courts as are supported by evidence. This case, however, has clearly become personal to all involved. Her concern for her cats, her desire to return to her abusers, her childlike manner and way of interacting with people have both touched and enraged MOJ officials. Irrespective of Tier 1 status, it is clear that this case will proceed whether the victim eventually decides to sign a sworn statement or not. Already, MOJ

officials have been consulting on ways to convict the traffickers without victim participation in the trial. Post will continue to work with the MOJ and IOM on this case and provide assistance where we are able.

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